

Lexington, Kentucky December 1, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 1, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney and Myers.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 308-2005 thru 314-2005 inclusive and Resolutions No. 643-2005 thru 673-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky December 1, 2005

The Invocation was given by Pastor James McDonald, Emmanuel Apostolic Church of Zion.

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The following ordinances were given second reading and passed by the following vote:

Aye: Scanlon, Shafer, Stevens, Stinnett, Wigginton,
Brown, Cegelka, DeCamp, Ellinger, Farmer,
Gorton, Lane, McChord, Moloney, Myers ----- 15

May: ----- 0

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to an Expansion Area Residential (EAR-1) zone for 3.3 net (3.9 gross) acres of property located at 3464 Winchester Road. (Fritz A. Meili and Candace M. Meili)

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 2.99 net (4.72 gross) acres and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone for 8.72 net (8.91 gross) acres of property located at 3200 Richmond Road. (3200 Richmond Road, LLC)

An Ordinance authorizing and directing the Mayor to accept a Grant from the Bluegrass Area Development District, which grant funds are in the amount of \$107,032.76 Federal funds, are for the Workforce Investment Act (WIA) Youth Program for FY 2006, the acceptance of which does not obligate the Urban County Government for expenditure of funds, appropriating funds pursuant to Schedule No. 102, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 101.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Engineering Technician Principal, Grade 115E, and one (1) position of Engineering Aide Sr., Grade 109N, and amending Section 21-5 of the Code of Ordinances creating one (1) position of Engineering Technician Principal, Grade 115E and one (1) position of Engineering Aide Sr., Grade 109N, all in the Div. of Sanitary Sewers, and appropriating funds pursuant to Schedule No. 107.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Certified Medical Assistant, Grade 108N, to become effective upon passage by Council and reallocating two (2) positions of Certified Medical Assistant, from Grade 108N to Grade 110N, to become effective retroactive to September 21, 2005, and reallocating two (2) vacant positions of Certified Medical Assistant from Grade 108N to Grade 110N, to become effective upon passage by Council, and amending Section 21-5 of the Code of Ordinances creating one (1) position of Certified Medical Assistant, Grade 108N, to become effective upon passage by Council, all in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 108.

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of various employees occupying the positions of Equipment Operator Sr., Childcare Program Aide, Trades Supervisor and Code Enforcement Officer, in various divisions, after review pursuant to the pay equity ordinance, effective retroactive to the date described in each item; and appropriating funds pursuant to Schedule No. 109.

An Ordinance authorizing the Mayor to accept a Donation of \$2,520.00 from the Center for Family and Community Services, for the Gainesway Community Empowerment Center to purchase two new computers for Homework Huddle and appropriating funds pursuant to Schedule No. 110.

An Ordinance authorizing the Mayor to accept donations in the amount of \$15,000.00 from Ky. Utilities; \$5,000.00 from Keeneland; \$2,500.00 from National City Bank; \$250.00 from William Young, Jr.; \$2,500.00 from Sherman/Carter/Barnhart; \$2,500.00 from Bluegrass Towing and \$2,500.00 from M & M Sanitation as sponsors for the 2005 Ky. Christmas Chorus, and appropriating funds pursuant to Schedule No. 111.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Economic Development, which grant funds are in the amount of \$500,000.00 Commonwealth of Ky. funds, are for the Belcan Corp. (a/k/a Belcan Services Group, Ltd. Partnership, and Belcan Engineering Group) Economic Development Project, the acceptance of which obligates the Urban County Government for the expenditure of \$500,000.00, appropriating funds pursuant to Schedule No. 117 and authorizing the Mayor to transfer unencumbered funds within the grant budget; and to execute the Grant Agreement and related grant documents.

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An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds remaining in FY 2005 into FY 2006 as approved at the November 15, 2005 Council Work Session, Schedule No. 113 was given second reading and passed by the following vote:

Aye: Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Gorton, Lane, McChord, Myers ----- 12

Nay: Ellinger, Farmer, Moloney ----- 3

Ms. Gorton asked to change her vote to “no” on the ordinance.

Mr. Cegelka, the Council’s Parliamentarian, stated that Ms. Gorton could not register a “no” vote once the vote was closed.

Ms. Gorton questioned when the rule was put into place because Council Members had previously been allowed to change their vote as long as it was before the meeting had adjourned.

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Upon motion of Ms. Gorton, seconded by Ms. Shafer and passed by unanimous vote, an Ordinance amending Section 23-18 of the Code of Ordinances creating a register for firefighter appointment, establishing procedures for examination, retesting, and scoring and establishing the length of time a candidate may remain on an eligibility list, effective upon date of passage was placed on the docket and given first reading.

Ms. Gorton made a motion, seconded by Mr. DeCamp, to suspend the rules and give the ordinance second reading.

Mr. Wigginton asked a question of Mr. Rebecca Langston, Commissioner of the Dept. of Public Safety.

Mr. Ellinger stated his concern with suspending the rules.

The motion passed by majority vote.

The ordinance was given second reading and passed by the following vote:

Aye: Scanlon, Shafer, Stevens, Stinnett, DeCamp,
Ellinger, Gorton, McChord, Moloney, Myers ----- 10

Nay: Wigginton, Brown, Farmer, Lane ----- 4
(Mr. Cegelka was absent when the vote was taken.)

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to an Expansion Area Residential 2 (EAR-2) zone for 8.63 net (8.96 gross) acres, from an Agricultural Rural (A-R) zone to an Expansion Area Residential 2 (EAR-2) zone for

59.72 net (61.76 gross) acres, and from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone for 71.48 net (72.83 gross) acres of property located at 2020 and 2200 Russell Cave Road, subject to certain use and buffer restrictions imposed as conditions of granting the zone change (Middleburg Stables) was on the docket for first reading.

Mr. Wigginton stated that a public hearing needed to be scheduled for the ordinance.

Ms. Andrea Weddle, Attorney for the Dept. of Law, stated that the public hearing would be scheduled at Work Session on December 6th.

The ordinance was given first reading and ordered placed on file for public inspection until a public hearing to be scheduled at the Work Session on December 6, 2005.

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An Ordinance amending Chapter 2, Article XIII of the Code of Ordinances to empower the Lexington and Fayette County Parking Authority, created pursuant to KRS 67A.914; amending Chapter 18, Article I, Section 2.1(a) of the Code of Ordinances to transfer control of parking control officers to the Lexington and Fayette County Parking Authority; amending Chapter 18, Article 1, Section 2(b) of the Code of Ordinances to require the Lexington and Fayette County Parking Authority to maintain certain records; amending Chapter 18, Article 1, Section 3(5) of the Code of Ordinances to delete the location, installation and removal of parking meters as a responsibility of the Div. of Traffic Engineering; amending Chapter 14, Section 10(f) of the Code of Ordinances to designate parking control officers as citation officers; amending Chapter 18, Article III of the Code of Ordinances to transfer parking meter control to the Lexington and Fayette County Parking Authority; amending Chapter 18, Article XII, Section 170 of the Code of Ordinances to allow the Board of Commissioners of the Lexington and Fayette County Parking Authority to appoint the Lexington-Fayette Urban County Government Parking Citation Enforcement Hearing Board; amending various sections of Chapter 18, Article IX to grant parking control officers enforcement, towing and impound powers; authorizing the Lexington-Fayette Urban County Government to provide funding for certain capital maintenance requirements of the parking garages to be transferred to the Lexington and Fayette County Parking Authority for management; and taking other related actions was given first reading.

Mr. Lane stated his concerns with the ordinance.

Mr. Lane made a motion, seconded by Mr. Farmer, to table the ordinance until the 2nd meeting in January, 2006.

The motion failed to pass.

The ordinance was ordered placed on file until December 13, 2005 for public inspection.

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The following ordinances were given first reading and ordered placed on file until December 13, 2005 for public inspection.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 112.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$572.00 from Neighborhood Development Funds for speed humps on Hill N' Dale Road, and appropriating and reappropriating funds, Schedule No. 118.

An Ordinance amending Section 2-201 of the Code of Ordinances to change the composition of the membership of the Picnic with the Pops Commission by deleting the member from Bank One Kentucky NA and adding one at large member.

An Ordinance amending Section 18A-1(6) to provide that the definition of taxicab be expanded to include a vehicle accepting tips, donations, gas money or any other form of compensation and excluding carpooling by private citizens and local, state or federal ridesharing programs, and amending Section 18A-3 of the Code of Ordinances requiring persons previously issued a certificate of convenience and necessity to meet the minimum number of taxicabs when desiring to increase their fleet, providing that out of county taxicabs may transport out of county passengers to and from Fayette County and providing that privately owned business may operate trolley or shuttle service within their parking lots to transport customers without obtaining a local taxicab permit.

An Ordinance authorizing the Mayor to execute a License Agreement with the SESAC, Inc., for use of certain music, for a term of one (1) year, automatically renewable, and appropriating funds pursuant to Schedule No. 114.

An Ordinance authorizing the Mayor to execute a Music Performance Agreement with the Broadcast Music, Inc., for use of certain music, for a term of one (1) year, automatically renewable, and appropriating funds pursuant to Schedule No. 115.

An Ordinance authorizing the Mayor to execute a License Agreement with the American Society of Composers, Authors and Publishers, for use of certain music, for a term of one (1) year, automatically renewable, and appropriating funds pursuant to Schedule No. 116.

An Ordinance authorizing the Mayor to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for the purchase and equipping of a mobile communications command post vehicle, and appropriating funds pursuant to Schedule No. 119.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection to include the area defined as certain properties on the following street: East Vista Street.

An Ordinance expanding and extending the Full Urban Services District for the Urban County Government for the provision of street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Alysheba Way; Tucker, David & Anna Prop., Andover Creek Lane; Newmarket, Phase 1, Unit 1-A, Angus Trail; Chesapeake Equine Prop., Unit 1, Applecross Drive; Chesapeake Equine Prop., Unit 2, Applecross Drive; Hamburg Place Comm. Dev., Phase 2, Astarita Way; Magna Entertainment Corp., Phase 1, Atoma Drive; Masterson-Depriest Unit 1-H, Bay Colony Lane; Masterson Station Unit 11-F, Bay Colony Lane; Waveland Estates, Unit 1-A, Baylor Place; Newmarket, Unit 4-C, Beaten Path; Newmarket Unit 4-A, Beaten Path; Coons Prop. Unit 12-B, Bella Dona Road; Coons Prop. Unit 12-C, Bella Dona Road; Coons Prop. Unit 12-D, Bella Dona Road; Masterson Station Unit 11-H, Belle Haven Place; Highland Lakes, Unit 8-A, Biltmore Place; Blackford Prop., Phase 1, Unit 4-E, Blackford Parkway; Blackford Prop., Phase 1, Unit 4-B, Bledsoe Place; Denton Farms, Inc., Unit 1-D, Branham Park; Denton Farms, Inc., Unit 1-E, Branham Park; Denton Farms, Inc., Unit 1-F, Branham Park; Newmarket, Unit 4-A, Brick House Lane; Newmarket, Unit 4-B, Brick House Lane; Newmarket, Phase 1, Unit 1-A, Brick House Lane; Hamburg Place Farm Lot 5, Bryant Road; Gess Prop., Unit 13-A, Burgin Pass; Tuscany, Unit 1-D, Carducci Street; Coons

Prop. Unit 12-A, Chas Drive; Blackford Prop., Phase 1, Unit 4-E, Cherry Meadow Path; Blackford Prop., Phase 1, Unit 4-F, Cherry Meadow Path; Richardson Prop., Unit 3, Chilesburg Road; Pinnacle Unit 2-E Lot 1, Clearwater Way; Blackford Prop., Phase 2, Unit 1-A, Constantine Avenue; Masterson Station Unit 11-G, Corbin Walk; Masterson Station Unit 11-F, Corbin Walk; Tuscany, Unit 1-D, Coroneo Lane; Tuscany, Unit 1-B, Coroneo Lane; Burke, Hockensmith & Maggard, Unit 1-B, Lot 3, Blk C, Danforth Drive; Dotson Prop., Unit 1-C, Day Lily Drive; Dotson Prop., Unit 1-B, Day Lily Drive; Dotson Prop., Unit 1-A, Day Lily Drive; Highland Lakes, Unit 8-B, Deltino Court; Blackford Prop., Phase 2, Unit 1-B, Drexel Pass; Gess Prop., Unit 13-B, Drifter Way; Denton Farms, Inc., Unit 1-A, Ellerslie Park Boulevard; Denton Farms, Inc., Unit 1-B, Ellerslie Park Boulevard; Richardson Prop., Unit 4, Sec. 4, Emilie Lane; Sunny Slope Farm, Sec. 1, Unit 1-A, Everetts Dale; Hamburg Place Comm. Dev., Phase 2, Flying Ebony Drive; Pinecrest Subd., Unit 1-A, Foleys Trail; Pinecrest Subd., Unit 1-B, Foleys Trail; Hamburg Place Comm. Dev., Phase 2, Franks Way; Gess Prop., Unit 13-C, Gillmoss Lane; Gess Prop., Unit 13-D, Gillmoss Lane; Blackford Prop., Phase 1, Unit 4-C, Glengarth Park; Dotson Prop., Unit 1-F, Goldenrod Lane; Dotson Prop., Unit 1-D, Goldenrod Lane; Dotson Prop., Unit 1-C, Goldenrod Lane; Blackford Prop., Phase 1, Unit 4-D, Gooseberry Circle; Denton Farms, Inc., Unit 1-C, Grassland Park; Denton Farms, Inc., Unit 1-D, Grassland Park; Hillenmeyer Prop., Greendale Road; Pinecrest Subd., Unit 1-E, Harlan Circle; Sharkey Property, Unit 1 Lot 8, Hatter Lane; Richardson Property, Unit 3, Hays Boulevard; Hamburg Place Comm. Dev., Phase 2, Healy Lane; Sunny Slope Farm, Unit 2-C, Hollyberry Lane; Sunny Slope Farm, Unit 2-E, Hollyberry Lane; Sunny Slope Farm, Unit 2-F, Hollyberry Lane; Richardson Prop., Unit 4, Sec. 4, Holmes Way; Horsemint Trail; Burke, Hockensmith & Maggard, Unit 1-B, Lot 3, Blk. C, Jaggie Fox Way; Richardson Prop. Unit 4, Jane Briggs Avenue; Coons Prop. Unit 12-B, Jasmine Rose Way; Coons Prop. Unit 12-C, Jasmine Rose Way; Coons Prop. Unit 12-D, Jasmine Rose Way; Coons Prop. Unit 12-A, Jasmine Rose Way; Masterson-Depriest Unit 1-H, Jenna Rest; Masterson Station Unit 11-G, Jenna Rest; Waveland Estates, Unit 1-B, Joseph Brian Way; Waveland Estates, Unit 1-C, Joseph Brian Way; Chesapeake Equine Prop., Unit 1, Keirfield Court; Denton Farms, Inc., Unit 1-E, Kelburn Court; Chesapeake Equine Prop., Unit 1, Killean Court; Magna Entertainment Corp., Phase 1, Konner Woods Drive; Gess Prop., Unit 14-C, Lanarkshire Place; Gess Prop.,

Unit 14-B, Lanarkshire Place; Gess Prop., Unit 14-C, Larkhill Lane; Denton Farms, Inc., Unit 1-A, Leighton Lane; Coons Prop. Unit 12-B, Lemon Rue Way; Coons Prop. Unit 12-C, Lemon Rue Way; Coons Prop. Unit 12-A, Lemon Rue Way; Coons Prop. Unit 12-D, Lemon Rue Way; The Glen @ Lochdale, Unit 2-F, Lots 132 & 134, Lochdale Terrace; Waveland Estates, Unit 1-B, Lochdale Terrace; Waveland Estates, Unit 1-A, Lochdale Terrace; Richardson Prop. Unit 4, Logans Fort Lane; Richardson Prop., Unit 4, Sec. 4, Logans Fort Lane; Chesapeake Equine Prop., Unit 2, Lonan Court; Marshall Prop., Unit 2-G, Long Branch Lane; Gess Prop., Unit 14-B, Lotus Lane; Sharkey Prop., Unit 1, Louie Place; Sharkey Prop. (Amd) Unit 1, Lot 1, Louie Place; Dotson Prop., Unit 1-F, Lucille Drive; Dotson Prop., Unit 1-G, Lucille Drive; Dotson Prop., Unit 1-B, Lucille Drive; Dotson Prop., Unit 1-A, Lucille Drive, Lupine Lane; Hillenmeyer Prop., Mable Lane; Blackford Prop., Phase 2, Unit 1-A, Mahala Lane; Blackford Prop., Phase 2, Unit 1-B, Mahala Lane; Blackford Prop., Phase 2, Unit 1-C, Mahala Lane; Masterson-Depriest Unit 1-G, Majestic View Cove; Masterson Station Unit 11-H, Majestic View Walk; Masterson Station Unit 11-G, Majestic View Walk; Masterson Station Unit 11-F, Majestic View Walk; Masterson-Depriest Unit 1-G, Majestic View Walk; Masterson-Depriest Unit 1-H, Majestic View Walk; Blackford Prop., Phase 1, Unit 4-C, Man O' War Boulevard; Mannington Place; Manny Oaks Park; Gess Prop., Unit 14-B, Marcus Trail; Gess Prop., Unit 12-D, Marcus Trail; Gess Prop., Unit 12-E, Marcus Trail; Gess Prop., Unit 14-B, Maxon Way; Anderson Prop., Unit 3, Chilesburg Road @ Still Meadow, Mist Flower Lane; Gess Prop., Unit 13-C, Moonstar Court; Dotson Prop., Unit 1-E, Mountain Laurel Circle, Mountain Laurel Way; Dotson Prop., Unit 1-F, Mountain Laurel Way; Dotson Prop., Unit 1-G, Mountain Laurel Way; Dotson Prop., Unit 1-B, Mountain Laurel Way; Chesapeake Equine Prop., Unit 1, Mulundy Way; Webb Properties Unit 1, Norman Lane; Hamburg Place Comm. Dev., Phase 2, Ogden Way; Hamburg Place Comm. Dev., Phase 2-A, Multi-Family Res., Ogden Way, Old Rosebud Road; Hamburg Place Farm Sir Barton Way Office Lots B Thru J, Old Rosebud Road; Denton Farms, Inc., Unit 1-A, Ormesby Place; Wellington Way LLC, Palomar Centre Drive; Gess Prop., Unit 14-C, Parsons Lane; Tuscany, Unit 1-C, Pascoli Place; Tuscany, Unit 1-D, Pascoli Place; Marshall Prop., Unit 2-G, Peaks Mill Drive; Gess Prop., Unit 13-A, Pearl Cove; Gess Prop., Unit 12-D, Pebble Brook Circle; Gess Prop., Unit 12-C, Pebble Brook Circle; Pinecrest Subd., Unit 1-D, Pine Ridge Way; Pinecrest Subd., Unit 1-C, Pine

Ridge Way; Pinecrest Subd., Unit 1-E, Pinecrest Way; Pinecrest Subd., Unit 1-D,
 Pinecrest Way; Pinecrest Subd., Unit 1-C, Pinecrest Way; Hamburg Place Farm
(Plaudit Place Comm. Dev.) Lot 5, Plaudit Place, Pleasant Ridge Drive; Magna
Entertainment Corp., Phase 1, Polk Lane; Sikura-Justice Prop., Unit 6, Polo Club
 Boulevard; Newmarket, Phase 1, Unit 1-C, Polo Club Boulevard; Newmarket, Unit 4-C,
 Polo Club Boulevard; Newmarket, Phase 1, Unit 1-A, Polo Club Boulevard; Newmarket,
Unit 4-A, Polo Club Boulevard; Sunshine Prop., Lots 1-4, Polo Club Boulevard;
Hamburg Place Comm. Dev., Phase 2, Princess Doreen Drive; Highland Lakes, Unit 8-
A, Ravenna Lane; Dotson Prop., Unit 1-E, Red Clover Lane; Dotson Prop., Unit 1-D,
 Red Clover Lane; Dotson Prop., Unit 1-C, Red Clover Lane; Kirklevington South Unit 2
Lots 2 & 3, Redding Road; Richardson Prop. Unit 4, Richardson Place; Tucker, David &
Anna, Ridge View Way; Gess Prop., Unit 13-A, Rivard Lane; Gess Prop., Unit 13-B,
 Rivard Lane; Hamburg Place Comm. Dev., Phase 2, Rockminster Road; Tuscany, Unit
1-B, Rossini Place; Tuscany, Unit 1-C, San Milano Place; Hillenmeyer Prop.,
 Sandersville Road; Masterson-Depriest Unit 1-G, Satin Leaf Park; Blackford Prop.,
Phase 1, Unit 1-E, Sec 2, Scottish Trace; Blackford Prop., Phase 2, Unit 1-A, Scottish
 Trace; Blackford Prop., Phase 1, Unit 4-C, Scottish Trace; Blackford Prop., Phase 1,
Unit 4-B, Scottish Trace; Blackford Prop., Phase 1, Unit 1-E Sec 2, Scottish Trace;
Sharkey Prop., Unit 1, Sharkey Way; Marehaven, Unit 3, Silver Mare Court; Hamburg
Place Farm Sir Barton Way Office Lots B Thru J, Sir Barton Way; Hamburg Place Farm,
Sir Barton Way Office Park, Sir Barton Way; Sir Barton Way; Tuscany, Unit 1-C, Sir
 Barton Way; Denton Farms, Inc., Unit 1-A, Somersly Place; Denton Farms, Inc., Unit 1-
B, Somersly Place; Highland Lakes, Unit 8-C, Southpoint Drive; Kirklevington South
Unit 2 Lots 2 & 3, Spangler Drive; Gess Prop., Unit 13-D, Sperling Drive; Pinecrest
Subd., Unit 1-A, Spring Run Road; Pinecrest Subd., Unit 1-D, Spring Run Road; Sunny
Slope Farm, Sec. 1, Unit 1-A, Sprucewood Drive; Dotson Prop., Unit 1-G, Spurr Road;
Marehaven, Unit 3, Stallion Run; Gess Property, Unit 12-C, Stansberry Cove; Star
 Shoot Parkway; Hamburg Place Community, Phase 2, Condo-Residential, Star Shoot
 Parkway; Hamburg Place Comm., Phase 2, Condo. Res., Lot 1, Sec. 1, Star Shoot
 Parkway; Anderson Prop., Unit 3, Chilesburg Road @ Still Meadow, Still Meadow Lane;
Newmarket, Phase 1, Unit 1-A, Stolen Horse Trace; Richardson Property, Unit 3, Stuart
 Hall Boulevard; Sundrop Path; Sunny Slope Farm, Unit 2-D, Sunny Slope Trace; Sunny

Slope Farm, Unit 2-C, Sunny Slope Trace; Sunny Slope Farm, Unit 2-G, Sunny Slope Trace, Sweetspire Drive; Sunny Slope Farm, Unit 2-F, Sweetspire Drive; Denton Farms, Inc., Unit 1-B, Tatton Park; Denton Farms, Inc., Unit 1-C, Tatton Park; Denton Farms, Inc., Unit 1-F, Tatton Park; Blackford Prop., Phase 1, Unit 4-F, Thistle Park; Blackford Prop., Phase 1, Unit 1-D Sec. 2, Timberneck Cove; Marshall Prop., Unit 2-H, Town Branch Cove, Town Branch Road; Marshall Prop., Unit 2-G, Town Branch Road; Gess Property, Unit 12-C, Tradewind Way; Marehaven, Unit 3, Trailwood Lane; Gess Prop., Unit 13-B, Turtle Creek Cove, Turtle Creek Way; Gess Prop., Unit 13-C, Turtle Creek Way; Hamburg Place Community, Phase 2, Condo-Residential, Village Green Avenue; Hamburg Place Comm., Phase 2, Condo. Res., Lot 1, Sec. 1, Village Green Avenue; Webb Properties Unit 1, West Lowry Lane; Wellington Way LLC, Wellington Way; Magna Entertainment Corp., Phase 1, Willis Drive; Gess Prop., Unit 13-D, Willman Way; Gess Prop., Unit 12-E, Willman Way; Masterson-Depriest Unit 1-F Section 2, Winding Oak Trail; Highland Lakes, Unit 8-C, Windstar Way; Highland Lakes, Unit 8-A, Windstar Way; Highland Lakes, Unit 8-B, Windstar Way; Waveland Estates, Unit 1-C, Winthrop Drive; Sunny Slope Farm, Unit 2-A, Winthrop Drive; Sunny Slope Farm, Unit 2-B, Winthrop Drive; Sunny Slope Farm, Unit 2-G, Wyndham Hills Drive; Sunny Slope Farm, Unit 1-E, Wyndham Hills Drive; Marehaven, Unit 3, Yearling Circle; Sunny Slope Farm, Unit 2-C, Yellowwood Trace; Sunny Slope Farm, Unit 2-D, Yellowwood Trace; Sunny Slope Farm, Unit 2-E, Yellowwood Trace; The Glen @ Lochdale, Unit 4-A, Goldon Trophy Trail; Literary Circle; The Glen @ Lochdale, Unit 4-C, Lochdale Terrace; Waveland Estates, Lot 71, Lochdale Terrace; Pinecrest Subd., Unit 1-E, Pine Ridge Way; Pinecrest Subd., Unit 1-D, Pine Ridge Way; Sikura-Justice Prop., Unit 6, Polo Club Lane; Todds Road; And The Glen @ Lochdale, Unit 4-C, Twin Spires Trail.

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Upon motion of Mr. Lane, seconded by Ms. Shafer and passed by unanimous vote, an Ordinance accepting the bid of M. P. Kelly Construction Services in the amount of \$1,432,000.00, for construction of Fire Station #22, and appropriating funds pursuant to Schedule No. 121 was placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Mr. Brown, seconded by Mr. Wigginton and passed by unanimous vote, an Ordinance authorizing the Mayor to execute a Professional

Services Agreement with the Lexington-Fayette County Housing Authority, for community and social services for residents of the Bluegrass-Aspendale Area pursuant to the Hope VI Project, with monthly reimbursement to the Urban County Government, and appropriating funds pursuant to Schedule No. 127 was placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Ms. Gorton, seconded by Mr. Lane and passed by unanimous vote, an Ordinance amending Section 21-5 of the Code of Ordinances transferring one (1) position of Purchase of Development Rights Program Manager, Grade 121E, and one position of Administrative Officer, Grade 118E, and the incumbents, from the Office of the Chief Administrative Officer (CAO) to the Purchase of Development Rights Program in the Dept. of Administrative Services was placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Mr. DeCamp, seconded by Ms. Shafer and passed by unanimous vote, an Ordinance amending Section 21-5 of the Code of Ordinances transferring one (1) position of Social Services Coordinator, Grade 114E, and the incumbent, from the Div. of Adult Services to the Commissioner's Office of Social Services (Office of Aging Services); and amending Section 22-5 of the Code of Ordinances transferring six (6) positions, and the incumbents, from the Div. of Adult Services to the Commissioner's Office of Social Services (Office of Aging Services) was placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Dr. Stevens, seconded by Mr. Ellinger and passed by unanimous vote, an Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) position of Multicultural Affairs Coordinator, Grade 118E, in the Dept. of Social Services was placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Dr. Stevens, seconded by Ms. Shafer and passed by unanimous vote, an Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Clinical Services Manager, Grade 117E, in the Div. of Youth Services was

placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Mr. DeCamp, seconded by Ms. Shafer and passed by unanimous vote, an Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, and creating one (1) position of Staff Assistant Sr., Grade 108N, in the Div. of Government Communications, and appropriating funds pursuant to Schedule No. 126 was placed on the docket, given first reading and ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Mr. DeCamp, seconded by Ms. Shafer and passed by unanimous vote, an Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) position of Clinical Services Manager, Grade 117E, two (2) positions of Social Worker Sr., Grade 113E, in the Div. of Adult Services; and creating two (2) positions of Client Assessment Counselor, Grade 112E in the Mayor's Training Center was placed on the docket and given first reading.

Mr. DeCamp made a motion, seconded by Ms. Shafer, to suspend the rules and give the ordinance second reading.

Mr. Brown asked a question of Ms. Alayne White, Commissioner of the Dept. of Social Services.

The motion failed to pass.

The ordinance was ordered placed on file until December 13, 2005 for public inspection.

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The following resolutions were given second reading and passed by the following vote:

Aye: Scanlon, Shafer, Stevens, Stinnett, Wigginton,
Brown, Cegelka, DeCamp, Ellinger, Farmer,
Gorton, Lane, McChord, Moloney, Myers ----- 15

Nay: ----- 0

A Resolution accepting the bid of National Workwear establishing a price contract for uniforms, for the Div. of Sanitary Sewers.

A Resolution accepting the bids of ASL Excavating, Inc. The Allen Co., Inc., Central Rock Mineral Co., LLC, H. G. Wilson & Sons Contractors, Inc., Jason Tate Contractor, Inc., K. Hayes Limited, Randle-Davis Construction Co., Tom Chestnut Excavation &

Construction, LLC, and Woodall Construction Co., Inc. establishing price contracts for construction unit price, for the Div. of Engineering.

A Resolution accepting the bid of J. Edinger & Son establishing a price contract for snow plow equipment, for the Div. of Fleet Services.

A Resolution accepting the bid of Moore Ventures, LLC, in the amount of \$49,757.00, for a non-potable water service system, for the Div. of Sanitary Sewers.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer easement and temporary construction easement from Dale and Louisa Ditto located at 136 Cherokee Park, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$13,025.00, plus usual and appropriate closing costs.

A Resolution declaring as surplus the real property and improvements located at the rear of 446 Silver Maple Way, and authorizing the Mayor to execute a General Warranty Deed and Certificate of Consideration, transferring the property to Mark and Licia Siever, for the sum of \$2,580.00 and other valuable consideration.

A Resolution authorizing the Mayor to execute a Purchase and Security Agreement with Standard & Associates, Inc., for the Police Officer Selection Test (POST), at a cost not to exceed \$7,350.00.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with Eastern Ky. University, for Criminal Investigation and Cyber Crime Projects, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Test Security Agreement with Cooperative Personnel Services, for the development and design of a written test for affected positions within the Div's. of Code Enforcement and Building Inspection, at a cost not to exceed \$2,280.00.

A Resolution authorizing the Mayor to execute a Test Security Agreement with I/O Solutions, Inc., for testing applicants applying for Community Corrections Officer positions, at a cost not to exceed \$2,600.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Strand Associates, Inc., for Town Branch Phosphorus Study, increasing the contract price by the sum of \$15,260.00 from \$56,750.00 to \$72,010.00.

A Resolution authorizing the Mayor to execute Two Master Agreement Modifications with the Ky. Office of Homeland Security, for extension of two grants for Mobile Data Computer Projects from November 30, 2005 to February 28, 2006, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with United States Golf Association, for 2007 United States Women’s Amateur Public Links Championship at Kearney Hill Golf Links, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Successor-In-Interest Contract with JPMorgan Chase Bank, N.A., and any other documentation necessary, for lump sum payment under the Tobacco Transition Assistance Program (TTAP) to the Urban County Government for its four tobacco quotas, in the amount of \$91,634.00.

A Resolution authorizing the Mayor to execute Change Order No. 3 to the Contract with Woodford Builders, Inc., for Recycling Center Warehouse Expansion, increasing the contract price by the sum of \$41,464.00 from \$2,194,499.95 to \$2,235,963.95

A Resolution accepting the bid of Central Rock Mineral Co., LLC, in the amount of \$801,281.33, for construction of Bluegrass-Aspendale Connector.

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A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from The Hope Center, Inc., located at 300 West Loudon Avenue, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$11,750.00, plus usual and appropriate closing costs was given second reading and passed by the following vote:

Aye: Scanlon, Shafer, Stevens, Stinnett, Wigginton,
Brown, Cegelka, DeCamp, Ellinger, Farmer,
Gorton, Lane, McChord, Myers ----- 14

Nay: Moloney ----- 1

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Mayor Isaac left the meeting and turned the chair over to Mr. Scanlon.

Mr. Scanlon handed the chair over to Mr. Ellinger so that he could make a statement.

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Mr. Scanlon stated his concerns regarding Council Office staff being hired at higher rates of pay than ever before, and that they were even higher than the Div. of

Human Resources recommended.

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Mr. Ellinger handed the chair back to Mr. Scanlon.

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A Resolution accepting the bid of Wysong Enterprises, Inc. in the amount of \$213,813.00, for helicopter refurbishment and upgrade for the Div. of Police was given first reading.

Upon motion of Mr. Lane and seconded by Mr. Moloney, the rules were suspended by majority vote. The resolution was given second reading and passed by the following vote:

Aye: Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown,
Ellinger, Farmer, Lane, McChord, Moloney, Myers ----- 12

Nay: DeCamp, Gorton ----- 2
(Mr. Cegelka was absent when the vote was taken.)

* * *

A Resolution authorizing the Div. of Internal Audit to conduct an investigation into possible fraud in time card reporting in the Div. of Solid Waste was given first reading.

Mr. Brown stated his concerns with the wording of the resolution.

Mr. Brown made a motion, seconded by Mr. Wigginton, to amend the resolution by removing the words “into possible fraud in time card reporting”.

Mr. Brown asked a question of Mr. David Holmes, Commissioner of the Dept of Law.

Dr. Stevens suggested Mr. Brown keep the words “in time card reporting”.

Mr. Brown accepted Dr. Stevens’ amendment.

Mr. Brown’s amended motion, seconded by Mr. Wigginton, passed by unanimous vote.

Mr. Brown made a motion, seconded by Mr. Wigginton and passed by unanimous vote, to have the resolution receive a new first reading as amended.

A Resolution authorizing the Div. of Internal Audit to conduct an investigation in time card reporting in the Div. of Solid Waste was given first reading.

Upon motion of Mr. Brown and seconded by Mr. Wigginton, the rules were suspended by unanimous vote. The resolution was given second reading and passed by

the following vote:

Aye: Scanlon, Stevens, Stinnett, Wigginton, Brown, DeCamp,
Ellinger, Farmer, Lane, McChord, Moloney, Myers ----- 12

Nay: ----- 0
(Ms. Shafer, Mr. Cegelka and Ms. Gorton were absent when the vote was taken.)

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The following resolutions were given first reading and ordered placed on file until
December 13, 2005 for public inspection.

A Resolution accepting the bid of American Bus & Accessories in the amount of
\$46,300.00, for prisoner transport bus, for the Div. of Fleet Services.

A Resolution accepting the bid of E-Z-Go Textron establishing a price contract for
golf carts, for the Div. of Parks.

A Resolution accepting the bid of Allen Brothers Construction, Inc. in the amount of
\$30,600.00, for office renovation in the Dept. of Finance.

A Resolution accepting the bid of Vogelpohl Fire Equipment, Inc., establishing a
price contract for hydraulic rescue tools, for the Div. of Fire.

A Resolution amending Section 4.104(a) of the Rules and Procedures of the
Lexington-Fayette Urban County Council, which were adopted by Resolution No. 55-79,
as amended, to amend the order of business for work sessions to include two periods of
public comment, one at the beginning of the meeting only for items included on the work
session agenda and one at the end of the meeting for any issue, including, but not limited
to, work session agenda items.

A Resolution on behalf of the Urban County Government to adopt the Hazard
Mitigation Plan for Lexington, Fayette County, Kentucky, at no cost to the Urban County
Government.

A Resolution amending Resolution No. 526-2004 relating to acceptance of a deed
conveying a temporary construction easement for property located at 662 East Loudon
Avenue to provide for acceptance of the deed from and payment to the current owner of
the property.

A Resolution authorizing the Mayor to execute a Termination Agreement with
Around the House ("ATH") Construction, for terminating the agreement for work at the
Valley Park Basketball court, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Customized Training Services
Agreement with Bluegrass Community and Technical College, for the provision of

customized training for Lexington-Fayette County companies with 150 employees or less and/or those with very limited training budgets, at a cost not to exceed \$10,000.00.

A Resolution authorizing the Mayor to execute an Administrative Services Contract with Bluegrass Healthcare Network for case management services for workers' compensation claims, from October 1, 2005 through June 30, 2007 at a cost not to exceed \$10,000.00 annually, subject to sufficient funds being appropriated.

A Resolution ratifying the probationary civil service appointments of: William Tanner, Staff Assistant Sr., Grade 108N, \$12.311 hourly, in the Div. of Police, effective November 14, 2005, Mary Stanfield, Communications Officer Sr., Grade 113N, \$15.444 hourly, in the Div. of Police, effective December 12, 2005, Donald Bailey, Equipment Operator Sr., Grade 109N, \$17.348 hourly, in the Div. of Streets, Roads & Forestry, effective December 12, 2005, Gerald Parker, Skilled Trades Worker, Grade 111N, \$19.933 hourly, in the Div. of Parks, effective December 12, 2005, Stephen Harrod, Code Enforcement Officer, Grade 113N, \$14.496 hourly, in the Div. of Building Inspection, effective December 12, 2005, Achilles Harris, Public Service Worker Sr., Grade 107N, \$10.371 hourly, in the Div. of Sanitary Sewers, effective December 12, 2005, Linda Phipps, Staff Assistant, Grade 107N, \$15.168 hourly, in the Div. of Revenue, effective December 5, 2005, Christopher Allen Ford, Administrative Specialist Principal, Grade 114E, \$1,525.76 bi-weekly, in the Div. of Community Development, effective December 12, 2005, Michael Parker, Nuisance Control Officer, Grade 111N, \$16.255 hourly, in the Div. of Code Enforcement, effective December 12, 2005, Charles Reed III, Nuisance Control Officer, Grade 111N, \$18.101 hourly, in the Div. of Code Enforcement, effective December 12, 2005, Aydan Spanyer, Accountant Sr., Grade 116E, \$2,010.24 bi-weekly, in the Div. of Accounting, effective January 4, 2006, Cheryl Cross, Staff Assistant Sr., Grade 108N, \$16.226 hourly, in the Div. of Computer Services, effective December 12, 2005, Marianne Johns, Staff Assistant Sr., Grade 108N, \$11.819 hourly, in the Div. of Family Services, effective November 28, 2005; ratifying the permanent civil service appointments of: Ronnie Hayden, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, effective December 31, 2005, Andre German, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, effective December 16, 2005, Gene L. Barrell, Jr., Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, effective December 16, 2005, Brenda Christian, Public Service Worker Sr.,

Grade 107N, in the Div. of Parks, effective November 16, 2005, Keith Gallman, Public Service Supervisor, Grade 111N, in the Div. of Building Maintenance and Construction, effective December 13, 2005, Michelle Gunter, Human Resources Analyst, Grade 115E, in the Div. of Human Resources, effective April 11, 2005, Hilton Isable, Human Resources Analyst, Grade 115E, in the Div. of Human Resources, effective January 12, 2005, Jerry K. Baker, Manual L. Davis, Katrina A. Dearing, Adela DeLeon, Nicholas T. Elko, Latasha R. Franklin, Kristin L. Malone, John E. Moncrief, Adam M. Reynolds, Nathan P. Stewart, Brian Voll, and Hattie L. Wheeler, Grade 110N, in the Div. of Community Corrections, effective November 30, 2005; approving leave of absence for: Lindora Harris, Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, request ninety day Council approved leave without pay from November 14, 2005 through February 14, 2006; Kay Lail, Staff Assistant Sr., Grade 108N, in the Div. of Building Inspection, Council approved leave without pay from October 28, 2005 through December 9, 2005; approving the unclassified civil service appointment of: Joseph Schuler, Staff to Council II, Grade 000E, \$1,461.54 bi-weekly, in the Office of the Urban County Council, effective retroactive to July 11, 2005; adjusting the salary of Joseph Schuler, Staff to Council II, Grade 000E, from \$1,461.54 bi-weekly to \$1,709.60 bi-weekly, in the Office of the Urban County Council, effective retroactive to October 17, 2005; amending Section 5 of Resolution No. 669-2005, correcting the division of Gary Watkins, Probation Officer, Grade 110N, from the Div. of Community Corrections to the Div. of Youth Services; amending Section 1 of Resolution No. 669-2005, to remove Charles Hullinger, Security Officer, in the Dept. of General Services, as a probationary civil service appointment in the Department.

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A Resolution authorizing the Mayor to execute Agreements with Lexington Sister Cities Programs, Inc. (\$825.00), and Black Church Coalition of the Bluegrass, Inc. (\$3,200.00) for the office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

Mr. Brown made a motion, seconded by Mr. Wigginton, to suspend the rules and give the resolution second reading.

The motion failed to pass.

The resolution was ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Ms. Shafer, seconded by Ms. Gorton and passed by unanimous vote, the following resolutions were placed on the docket and given first reading.

A Resolution amending Resolution No. 725-2004 authorizing the Mayor to execute the 2005 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1), to move \$100,000 in unexpended funds from the capital/equipment category to the operating category for the Fayette County Sheriff.

A Resolution authorizing the Mayor to execute the 2006 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1).

Ms. Shafer made a motion, seconded by Ms. Gorton, to suspend the rules and give the resolutions second reading.

Mr. Wigginton asked a question of Ms. Donna Counts, Commissioner of the Dept. of Finance, concerning the resolutions being given a second reading.

The motion failed to pass.

The resolutions were ordered placed on file until December 13, 2005 for public inspection.

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Upon motion of Ms. Shafer, seconded by Mr. Ellinger and passed by majority vote, a Resolution authorizing the Mayor to execute an additional Software License Agreement with New World Systems Corp., for software and support services, at a cost not to exceed \$29,880.00 was placed on the docket and given first reading.

Ms. Shafer made a motion, seconded by Ms. Gorton, to suspend the rules and give the resolution second reading.

Mr. Wigginton asked a question of Ms. Rebecca Langston, Commissioner of the Dept. of Public Safety, concerning the resolution being given a second reading.

The motion failed to pass.

The resolution was ordered placed on file until December 13, 2005 for public inspection.

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The following communications were received from the Mayor for information only: (1) Resignation of Ralph C. Balltrip II, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 27, 2005; (2) Resignation of Bader K. Ali, Police Trainee, Grade 311N, in the Div. of Police, effective November 9, 2005 and (3) Termination of probationary appointment of Christopher Aavatsmark, Heavy Equipment Mechanic Apprentice, Grade 108N, in the Div. of Fleet Services, effective November 11, 2005.

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Mr. Myers stated that a Town Hall Meeting would be held on December 8th at 6:30 p.m. in the Mill Creek Elementary School Library.

Mr. Myers announced that the Board and Commissions Christmas Reception would be held December 8th from 5:30 – 7:00 p.m. in the Government Center Ballroom and that the Employees Christmas Luncheon would be held December 9th from 11:30 a.m. – 1:00 p.m. in the Government Center Ballroom.

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Mr. Bernard McCarthy, 515 Harry Street, suggested that property owners of vacant lots develop their property to cut down on new development in the county.

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Mr. Robert Dalton, 520 Douglas Avenue, invited Mr. Brown and Mr. Wigginton and the At-Large Council Members to the Georgetown Neighborhood Association's Christmas Meeting, and he expressed his concern that the Council had not discussed the Community Bond Program regarding neighborhood projects at tonight's meeting.

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Ms. Lavon Chiles, Cramer Avenue, expressed her concern that an Oversight Committee had not been set up to move forward on the Community Bond Program projects, which included a fence for the African Cemetery #2, and she spoke on the necessity for the financial assistance because the African Cemetery #2 was being taken care of through private donations.

There was a discussion among the Council about adding the issue to Tuesday's Work Session and the importance of following through on these projects.

There was a discussion among the Council concerning why the Oversight Committee had not been set up.

Mr. Willy Fogle, Administrative Aide to the Mayor, stated that the motion to set up the committee had been made at a work session when the Vice-Mayor had not been present.

Mr. Moloney asked a question of Mr. Fogle regarding designating the projects to be considered.

Ms. Marilyn Dishman spoke regarding the neighborhood sidewalks and wrought iron fence that needed to be repaired using the Community Bond Program project funding.

Ms. Suzanne Irwin, Bell Court, President of the Bell Court Neighborhood Association, and Ms. Megan Winfield, from the Bell Court neighborhood, spoke on making neighborhood improvements for the Bell Court area with the Community Bond Program project funding.

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The Council adjourned at 8:57 p.m.

Deputy Clerk of the Urban County Council